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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian K. Schmidt

Application No.: 09/765,886

Filed: January 18, 2001

For: METHOD AND APPARATUS FOR
AGGREGATE RESOURCE
MANAGEMENT OF ACTIVE COMPUTING
ENVIRONMENTS

)
) Group Art Unit: 2155

)
) Examiner: Benjamin R. Bruckart

)
) Atty. Docket No.: SUNMP586

)
) Date: May 25, 2006

☐ Triplicate:

☐ (copy 2 of 3)

☐ (copy 3 of 3)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 25, 2006.

Signed: _____

Sylvia Castillo

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed February 27, 2006 finally rejecting claims 1-6, 8-13 and 15-20.

The item(s) checked below are appropriate:

Appeal Fee: ☐ \$250.00 (Small Entity) ☒ \$500.00 (Large Entity)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply:

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☐ Applicants petition for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

<u>Months</u>	<u>Small Entity</u>	<u>Large Entity</u>
<input type="checkbox"/> one	\$ 60.00	\$ 120.00
<input type="checkbox"/> two	\$225.00	\$ 450.00
<input type="checkbox"/> three	\$510.00	\$1,020.00

If an additional extension of time is required, please consider this a petition therefor.

☐ An extension for __ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

☒ Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Notice of Appeal Fee	\$500.00
Extension Fee (if any)	\$.00
 Total Fee Due	 \$500.00

☒ Enclosed is Check No. 16436 in the amount of \$500.00.

☒ Charge any additional fees or credit any overpayment to Deposit Account No.

50-0805, (Order No. SUNMP586). Two additional copies of this Notice are enclosed.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP


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